A

BRIEF

OF

PROCEEDINGS

BETWEEN

Sr. HIEROM SANKEY

AND

Dr. VVILLIAM PETTY.

WITH

The State of the Controverſie

BETWEEN THEM

Tendered to all Indifferent Perſons.

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TO THE READER.

THE Imployments wherein Doctor Petty hath ſerved in Ireland, have been Many and Intricate; The Perſons concerned in his well or evil Adminiſtrations, numerous; The occaſions of jealouſie concerning Him, almoſt infinite, and conſequently the various Articles Exhibited againſt Him, with his Anſwers and other Proceedings thereupon, muſt needs be tedious. You have therefore what is moſt material and pertinent, of every thing relating to Sir Hierom Sankey's and the ſaid Doctors Proceedings, faithfully reduced into the narroweſt compaſs conſiſtent with perſpicuity, to the end that all lovers of Truth and Juſtice, may be encouraged to unravel the perplexed Knots of this Buſineſs, and learn by this Example to underſtand the Weight and Reaſons of other Popular jealouſies and diſcontents hereafter, and withal the Error and Vanity of them, who hope to pleaſe Multitudes, by their moſt cautious and upright Endeavours.

A Brief

A

BRIEF of PROCEEDINGS

BETWEEN SIR

HIEROM SANKEY

AND DOCTOR

VVILLIAM PETTY.

On the 24th. of *March* 165$\frac{8}{9}$. Sir HIEROM SANKEY after an affrighting aggravating Preface, exhibits the following Articles againſt Doctor WILLIAM PETTY, in a Parliamentary Aſſembly of above Four hundred Honourable Perſons. *Viz.*

1. *That he the ſaid Doctor had received Great Bribes.*
2. *That he had made a Trade of buying Debenters in vaſt numbers againſt the Statute.*
3. *That he had gotten vaſt ſummes of Money, and Scopes of Land by Fraud.*
4. *That he had uſed many foul Practiſes, as Surveyour and Commiſſioner, for Setting out Lands.*
5. *That he and his fellow Commiſſioners, had placed ſome Debenters in better places than they could claime, denying Right to others.*
6. *That he and his fellow Commiſſioners had totally diſpoſed of the Armies Security; the Debt ſtill remaining chargable on the State.*

On the 21. of *April*, The ſaid Doctor, being come (upon Summons) out of *Ireland* Anſwers the ſaid Articles, in the ſaid Aſſembly to the following Effect. *Viz.*

To the Firſt.

THat he had acted as Secretary to the Lord Lieutenant, and as Clerk of the Counicll of *Ireland*, in both which capacities he had faire opportunities of taking Bribes, but was never taxed therewith. That as Commiſſioner for diſtributing Lands, he ſhunned the receiving of any Obligation, avoided all Bargaines, but by leave, *&c.* to the end he might avoid the very appearance of this evil.

To the Second.

That he never bought Debenter without leave, thoſe at deareſt rates, and of

 Brokers

Brokers, and not till the Body of the Army was ſatisfied; That none who ever ſold him any, did ever complain of the leaſt hardſhip put upon them, and that it was not poſſible for him ſo to do.

To the Third.

That he never received Penny from the State but according to Contract, and not till he had paſt all kind of Examinations. That the Work he hath done is even now worth more then the State hath paid for it, *&c.* That he had no Land by his own aſſumption, but all by Orders from other Commiſſioners, and the Council, in a way not repugnant to Law, and not at leſſe Rates or Conſiderations then others; and if there was any ſingularity in the manner, 'twas to his one damage onely.

To the Fourth.

That for the generallity of the Actions he had done, as Commiſſioner and Surveyour, he hoped he might without much vanity, glory in them; Inſtancing his Meaſuring twenty two Counties in thirteen Moneths, Satisfiying twenty thouſand Debenters, without alteration, uſing ſtrictneſſe towards the greateſt Perſons, *&c.*

To the Fifth.

That his fellow Commiſſioners were Perſons of Integrity and Ability, and that he would not prevent them of the Honour to clear themſelves.

To the Sixth.

That above three hundred thouſand Acres of Land were yet undiſpoſed, and that what was already ſet out, had ſatisfied more Debt then needed to have been charged upon it.

After the aboveſaid Defence of the ſaid Doctor, and when the ſaid Sir *Hierom* (being newly come from ſeeking Proofes out of *Ireland*) was urged in the Parliament to inſtance particulars, with reference to the above Charge, He alledged as followeth:

1. *That Lieutenant Colonell* Flower *bringing an Order for Land, The ſaid Doctor asked, what he would give him to ſet it out to him.* Flower *anſwers,* 100. l. *The Doctor replied, 'twas an inconſiderable Reward, demanding half the Rents, at length they conclude for* 100. l. per annum, *as a Rent Charge, The ſaid Sir* Hierom *calling the ſame, an Horrible Bribe.*
2. *That Captaine* Sands *producing the like Order, could not have his Lands untill he had given the Doctor a faire houſe in* Dublin, *calling the ſame,* an Inducement to a Bribe.
3. *That Lieutenant Colonell* Brayfeild *demanding Land, was told, his Lands were beyond the Moon.*
4. *That Captain* Winckworth *doing the like, was told, that the Lands he deſired were kept for my Lord* Deputy.
5. *That the Debenters of the Souldiers commonly amounting to five ſhillings two pence, the ſaid Doctor would pay the five ſhillings, but keep the two pence for himſelf.*

6. *That*

6. *That the ſaid Doctor had ſeven thouſand Acres in the Barrony of* Ballebuoy *more then he had either Order for, or Right unto.*
7. *That the ſaid Doctor received* 1100. l. *for a Duplicate of* Straffords *Survey, which never coſt him* 20. l. *the tranſcribing.*

To which Inſtances the ſaid Doctor intended to have ſaid. *Viz.*

To the Firſt.

That *Flower* ~~was a vicious wretch and notoriouſly guilty of~~ Covetouſneſſe, ~~That he~~ by tricks, and abuſing the Lord Lieutenants kindneſs had trappanned him, the ſaid Doctor, out of an Eſtate worth 500. l. *per annum*, for a rent charge of 100. l. *per annum* only, which he never yet paid, and has been the Author of all the ſaid Doctors troubles, meerly to work him out of the ſaid 100. l. *per annum*; That he had been damnified by that tranſaction with *Flower* above one thouſand pounds, and that without hopes or deſign (from firſt to laſt) of ever gaining any thing by him, and much leſſe of being bribed.

To the Second.

That he had done great Acts of Kindneſſe and Charity for the ſaid Captain *Sands*, That he was to give the ſaid *Sands* eight hundred acres of Land for a Houſe, and ſome imaginary benefit of an Order of his, which he needed not; the ſaid houſe not being worth 300. l. That the reaſon of *Sands* his complaint, was his own great guilt in ſeeking to abuſe the State, and the ſaid Doctor, in a moſt unchriſtian manner.

To the Third.

That he doth not remember any ſuch expreſſion as *Land beyond the Moon*, but that if it were uſed, 'twas in kindneſs towards the ſaid Liuetenant Colonel *Brayfield*; That if he had not his Order ſerved ſo ſoon as he deſired, 'twas becauſe the ſaid Doctor could find nothing good enough for him. For the ſaid Doctor ever affected the perſon of the ſaid *Brayfield*, was commanded by the Lord Lieutenant to aſſiſt him, and was deſired the ſame by his then Partner and Friend, Sir *Thomas Herbert*.

To the Fourth.

That *Winkworth* is a very weak miſtaking Perſon, who had no more wit then to think by this device to withhold the Doctor from Queſtioning him for the razure of an Order made in his own caſe.

The others he needed onely to have denyed with ſome explication, Sir *Hierom* having upon more mature thoughts declined them himſelf.

Sir *Hierom* after many threatnings of the ſaid Doctor to queſtion him again, ſometimes in one place, and ſometimes in another, did at length upon the twelfth of *July* 1659. procure the following Articles

Articles to be put into this preſent Parliament, without reading them (as he himſelf boaſted) beyond the firſt Article, the which Article cunningly ſuggeſting a fraud of about 7000. l. got acceptance to the whole, and a reference into *Ireland*, although the chief Witneſſes (for trying all the pretended frauds of the State and Army amounting to about twenty thouſand pounds) as alſo authentique Copies of Records be here in *England*, ſufficient for that purpoſe.

The Firſt of which Articles is,

That he the ſaid Doctor had as much Land for 3480. l. *as comes to* 10188. l.

To which the ſaid Doctor Anſwers generally, and briefly.

That it will rather appear, that he had paid 20000. l. for 8000. Acres.*

2. *Article.*

Whereas the ſaid Doctor had Licence to purchaſe Lands charged with more Incumbrance than they amounted unto at the Act Rates. He hath taken ſome incumbred for leſſe, ſome he hath gotten by colluſion and paid nothing, and hath wreſted others out of an Officers hand of the Army.

Anſwer.

The Doctor hath paid above 1300. l. for what many have had for four hundred pounds, and hath proceeded according to Orders, throughout the whole buſineſſe.

3. *Article.*

Whereas Rates higher and lower then the Act Rates were put on Lands by conſent of the Perſons concerned, the ſaid Doctor hath taken to himſelf the benefit of the Enhancements.

Anſwer.

That the Doctor hath no benefit by the ſaid Enhancements, nor deſires to have any; The ſcope of this Article being to wind out of the States hands about 12000. l. which belongs to them.

4. *Article.*

That he left out of the Souldiers Lot, the chiefeſt ſeates as incumbred, putting in others incumbred as clear, and afterwards takes thoſe choice ſeats to himſelf.

Anſwer.

That the Deſign of leaving out certain Lands here mentioned was good, and

and orderly, & the Doctor believes that the practice of it was so to, though he never medled with it, That 'twas not his Intereſt to abuſe the ſaid Deſign, neither hath he gotten any thing in conſequence of the Errours complained of, if any ſuch be.

5. *Article.*

That many of the Conditions for which he had received above 8000. l. *were never performed, but that he got up his Bond and Contract concerning the ſame, ſurreptitiouſly.*

Anſwer.

This whole Article is a groſſe miſtake of the Fact : For there were two Contracts, by one whereof 17000. l. was due ; whereof the Doctor never received but 10600. By the other Contract about 8000. l. was due, whereof he never received 5500. l. Moreover the defects here mentioned were neither the Doctors faults nor profit : And the uſeful Overwork, he hath done deſerves ſeveral thouſand pounds in recompence. Laſtly, his Bonds and Contract were kept from him above nine moneths longer then they ought to have been, out of abundant caution onely, and at length were delivered by the conſent and knowledge of the Councel, the Army, the Atturney General & Surveyor General, after many debate concerning the ſame.

6. *Article.*

That the Doctor hath received 2665. l. *three times over*, and 516. l. *more by a falſification, as alſo* 421. l. and 440. l. *more then in ſtrictneſſe he could demand, to the couzenage of the State of* 5846. l.

Anſwer.

What is ſaid to have been paid thrice, was never paid once, and if he hath received any thing which in ſtrictneſſe of Law he might not, in Equity and Conſcience he ought to have received twice as much for thoſe very things. As for the 516. l. ſaid to be forged, 'tis a raſh miſtake proceeding from too much deſire to find faults.

7. *Article.*

That after all theſe Frauds both as to Money and Land ; he ſo amuſed a certain Committee, as they allowed him 3796. l. *more for nothing.*

Anſwer.

Upon a full reveiw of all matters relating both to the Land and Money, between the State, Army, and the ſaid Doctor himſelf, a Committee of moſt judicious and honeſt perſons allowed him 3796. l. over and above all he then had, or now hath received, and even when the cry of the abovementioned frauds and many others, was higheſt : Neither is any reaſon to the contrary yet detected.

8. *Article.*

That by delayes, feigned ſcruples, and deriſions he wrought men to ſell him their Debenters at under Rates, and to give him part of whatſoever he aſſigned them.

Anſwer.

The delayes here mentioned were inevitable, the deriſions a frivolous complaint; That of working men to a Compoſition, a very ſlander. The contrary of all theſe Allegations being true.

9. *Article.*

Whereas he had greater Rates for ſurveying then ever were given, he gave leſſe to his under Surveyours then was ever taken, and yet retrenched much of that too.

Anſwer.

The ſaid Under-Surveyours were not duly puniſhed for their treacheries againſt the ſaid Doctor: They were payd more than they deſerved, more than they durſt claim by Law, more than Arbitrators allowed them, and twice more than they will have againe for the like work, they were uſed better than they uſed others, beſides, the Doctor gave them more, then the State it ſelf hath ſince given them, nor did they ever complain, till now they were Inſtigated for a ſupply inſtead of other declined Articles.

10. *Article.*

That he hath not walked by the Rules and Inſtructions given him; but ſlighted them all.

Anſwer.

A General Slander; to which there needs only to be ſaid, that *doloſus verſatur in generalibus.*

11. *Article.*

That he with-holds his original Books and Plots, as alſo the Duplicates of his fair Books contrary to an Act of Parliament.

Anſwer.

This is a demand never till now thought fit to be made, an abſurd and uſeleſſe deſire; a meer device to enable ſome hereafter to abuſe the State and ſubject at their pleaſure, and a pretended crime that the Doctor can make no benefit by.

Obſervations

Obſervations upon the whole Matter, Viz.

1.

That ſince it appeared to the World (and never before) that he the ſaid Doctor was like to gain by his hazardous undertaking, he never wanted ſome great Crime or other: As for example, one while the returning unprofitable Land for profitable; Another while keeping all men in the dark, Another while taking great Bribes, of 500. l. at a time; Another while ſatisfying of the ſame Debenters twice over; Another while ſuppreſſing Petitions at the Council, &c. None of all which are now mentioned.

2.

It is a wonder that no Magiſtrate, Law, Judge nor Jury, nor no injured Souldier or Surveyour had in four years time the skill and courage to bring him to puniſhment.

3.

That though he had been Queſtioned, before the Council, and hath had many caſes which might have been tried before the Court, ſet up for deciding Controverſies, between ſouldiers and ſouldiers, yet never had cheque or rebuke, for any thing he ever did; though he ever urged all men to form their jealouſies into a Charge, as willing to be Queſtioned any where; yet that he ſhould (before any other Remedy was tried) be brought into two ſeveral Parliaments to be puniſhed, ſeemes hard and needleſs.

4.

That this charge ſhould be undertaken by a perſon of little Converſation in theſe matters, One who having talked incredibly high upon his ſix firſt Articles was forced to decline four, *viz.* That of bribes, buying Debenters without licence, wrong placing Debenters, and imbezelling the Armies ſecurity, leaving onely the two, that contained but general ſurmiſes. And that when he returned out of *Ireland* (where he had been inſtructed by ſeven the moſt diligent and ſubtile perſons that ever acted in ſuch a buſineſſe) could inſtance at his return but in ſeven particulars, three of which, and the greateſt, *viz.* The ſaid Doctor having 7000. Acres without Order, That of *Straffords* Survey, and devouring the odd pence of the Souldiers Debenters, he was fain to quit upon further conſiderations, leaving only a few jeſts and miſtakes for the Parliaments Judicature, and in his laſt charge making three or four Articles of one and the ſame matter.

5.

That the ſaid Sir *Hierom* ſhould accuſe the ſaid Doctor for perſwading the Council and Commiſſioners to ſigne Orders for his ſatisfaction, and for amuſing the Referrers mentioned in the ſeventh Article, to give him 3796. l. for nothing, and yet never taxt any of them, for their negligence or ignorance in reference to the Premiſes, nor the ſuperior Powers for making uſe of ſuch Inſtruments, and for employing the ſaid Doctor, the ſuppoſed worſt of them all.

6. That

6.

That when the ſaid Doctor laboured to be tryed in *Ireland*, before thoſe who had been Witneſſes of his Actings, (waving his priviledge as a member of Parliament for that purpoſe) that he ſhould be hurried on a ſuddain to the higheſt and laſt Judicature in *England*. That when he would go back into *Ireland*, ſhould be ſtaid in *England*, and endeavours uſed for his being ſent back thither ignominiouſly; And now he is in *England*, and deſires to be tryed here, ſhould be remanded into *Ireland* by an Order odly gotten, and as it were upon Sir *Hieroms* ſtealing in the Articles into the Houſe contrary to his own promiſe, without ſo much as having them read through, before they were referred, as himſelf related.

Out of all which, 'tis hoped no impartial Conſiderer of theſe things will think it impoſſible, but that the ſaid Doctor may be an honeſt man, nor will judge him before he be heard, nor will have ſo little curioſity, as not to deſire he may be heard; but on the contrary will think, that a man coming from ſmal and unlikely beginnings to the management of many conſiderable Truſts, to the favour ſucceſſively of all in chief Power in his time, and to a competent Eſtate, may be envied. Nor that among 20000. perſons, who envy one anothers Portions and Lotts, there may grow up an Epidemical malice, and a pannick fear of ſtrange Wrongs done and intended unto them; eſpecially it being ſo natural in us all, to ſupplant thoſe, to whom God hath given any Eminency, either in Riches, Power, or Parts, above our Selves, which (by the way) is often cunningly and improperly ſaid concerning him, to prejudice all thoſe unto whom he may endeavour to vindicate himſelf, or at leaſt to keep Neuters, till the bottome of the whole be laid open. And laſtly, it is very probable from the times of his Impeachment, the ſparing him ſome years after the Body of his Imployments and Undertakings were over; the appearing of ſuch a perſon as Sir *Hierom Sankey* in the cauſe; the ſhifting of Articles from one nature and form to another; the vehemence of the proſecution; the accuſing him in Parliaments, before any Remedy was ſought elſewhere; the intereſt of the Parties; the emptineſs of the Complaints when ſcan'd; the fewneſs of the miſcarriages, (though all allegations were proved,) if compared with the infinity of the occaſions from whence they aroſe; the Endeavours to have him Tryed ſometimes in one place, ſometimes in another, with the forbearance of others equally taxable. Truly from all theſe Conſiderations, 'tis very probable, that ſome more ſecret and private intereſt, is the true cauſe of the Doctors tribulations. A ſtrict Enquiry whereinto, would perhaps make much for the publick profit, and well become the Juſtice and Wiſdome of the Parliament; that the innocent Subjects and painful Servants of this Common-wealth be not Sacrificed to private Spleen and Animoſities, nor any man ruined to make good the raſh Engagements of others.

FINIS.

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